

KABG040013412026



27.04.2026

O.S.No.400/2026

ORDER ON I.A.NO.I

This is the suit filed by the plaintiff seeking relief of Specific Performance of Contract against the defendants.

Heard the learned counsel for plaintiff.

Perused the documents on record.

It is the case of plaintiff that the suit property was owned and possessed by two brothers by name Nagappa and Fakirappa sons of Siddappa Baligar and accordingly their names were appearing in the record of rights pertaining to the suit property. That the said Nagappa and Fakirappa executed agreement of

sale dated 13.09.1995 in favour of plaintiff in respect of the suit property agreeing to sell the same for Rs.12,000/- and received entire sale consideration amount from the plaintiff and that the plaintiff is in lawful possession and enjoyment of suit property. That Nagappa died in the year 1999 and Fakirappa died in the year 2024 and their legal heirs i.e., the present defendants have inherited the suit property, but though they initially agreed to execute sale deed in favour of plaintiff, now they are intending to dispose of the suit property and are trying to disturb the plaintiff's peaceful possession over the suit property. Hence, the I.A.No.I.

The plaintiff has produced RTC Extracts pertaining to suit property and copy of agreement of sale executed by defendants in favour of plaintiff. The plaintiff is under apprehension that the

defendants might alienate the suit property in favour of third party which could deprive the right of plaintiff and also the very purpose of filing the suit would become infructuous.

As such, it is necessary to protect the suit property from being alienated until the rights of parties are decided since the plaintiff has filed the present suit seeking the relief of Specific Performance of Contract against the defendants for execution of registered sale deed in his favour. Further, in order to avoid multiplicity of proceedings, it is very much necessary to grant ex-parte temporary injunction against the defendants.

Issuance of notice to defendants before granting T.I. would defeat the very purpose of suit if, the suit schedule property would be alienated by the defendants in the meantime. Also, if the present application is not allowed, then it

would lead to multiplicity of proceedings. Hence, at this stage, the plaintiff has made out prima facie case to allow the present application for granting ex-parte T.I. Hence, I proceed to pass the following :

ORDER

I.A.No.1 filed by applicant/plaintiff is hereby considered and the defendants, their agents, henchmen acting on their behalf are restrained from alienating the suit schedule property, till next date of hearing.

The applicant/plaintiff shall comply the requirements U/O.XXXIX Rule 3 (a) & (b) of C.P.C. and shall report such compliance in the office.

Office to issue the copy of this order to plaintiff only on such compliance.

Issue suit summons and notice on I.A.No.1 U/O.XXXIX Rule 1 and 2 of C.P.C. to defendants returnable by 05.06.2026.

**Prl. Civil Judge & JMFC
Belagavi.**